

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Durst, Almanza

TITLE: ENHANCED BALLISTIC PROTECTION MATERIAL

GROUP: 1772

SERIAL NO.: 09/884,656

FILED: June 20, 2001

EXAMINER: Jane J. Rhee

DOCKET NO.: 1578

TODAY'S DATE: May 24, 2002

BOX NON-FEE AMENDMENT

Commissioner for Patents and Trademarks

Washington, DC 20231

Sir:

RESPONSIVE TO THE OFFICE ACTION OF MARCH 25, 2002

REMARKS

The Examiner has attempted to oversimplify the invention of applicants. The Examiner also misstates what the prior art says or even implies. At paragraph 3 in section 4 of the office action the Examiner says, "In response to applicant's argument that Klein fails to disclose the same purpose for staggering the layers, which is to prevent a bullet from going through the seam, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed structural limitations. In other words, the applicant does not state a use claim therefore, the use of or purpose of the article is irrelevant and furthermore, the reference enclosed is directed to the article itself which contains the limitation of staggering the layers satisfying the claimed structural limitations." The Examiner begs the question, and is currently referred to a reading of the cited patent specifically Figure 2 which is a cross section of the material of the vest of Figure 1. Reading from the top down, designator 38 is fabric followed by a layer of rubber followed by 18 which is aluminum or plastic, which is glued, emphasis on glued, the layer 32 to a layer of aluminum or plastic 36, followed by a layer of tape 30, to which is attached a layer of Kevlar which is bullet resistant fabric 36 followed by more conventional fabric 38 the same as the front conventional fabric 38.

746-7307  
FAX 703-305-5408  
FAX 703-301-9999

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed: Box Non-Fee Amendment, Assistant Commissioner for Patents, Washington, DC, 20231 on	
Date of Deposit	PROPOSED
Mark C. Jacobs, Reg. # 24043	
Date of Signature	